



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Joe Piccolo, *Chair*
Paula Doughty, *Vice-Chair*
David F. Echols
Neil K. Kochenour
Darrell H. Mensel
LeLand J. Myers
Dianne R. Nielson
Jay Ivan Olsen
Gregory L. Rowley
Steven P. Simpson
Daniel C. Snarr
Walter L. Baker,
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MINUTES

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD**

Dixie Convention Center
Entrada B & C
St. George, Utah 84770
Wednesday, April 18, 2007

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Paula Doughty	Darrel Mensel
Dave Echols	Jay Olsen
Neil Kochenour	Joe Piccolo
Leland Myers	Gregory Rowley
Steve Simpson	Daniel Snarr

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Harry Judd, Ed Macauley, Steve Palmer, Jen Robinson, Paul Krauth, Judy Etherington, Svetlana Kopytkovskiy,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Lea Fisher	MWH, Central Weber Sewer
Jim Matsumori	GK Baum & Co., Central Weber Sewer
Lance Wood	Central Weber Sewer
Dave Miklas	MWH, Central Weber Sewer
Corey Duncan	MWH, Central Weber Sewer
Alden Robinson	Sunrise Engineering
Gordon Champneys	Hill AFB
Paul Fulgham	Tremonton City
Dale Pierson	RWAU
Doug Nielsen	Sunrise Engineering
Scott Hacking	DEQ District Engineer
Korey Walker	Epic Engineering
Diane Miller	Duchesne City
Ryan Tinney	Willard City
Rod Mund	Willard City
Kevin Brown	Sunrise Engineering
Bruce Howard	Perry City

Kevin Cowan
Terrel Dunn

WEAU
RWAU

Chair Piccolo called the Board meeting to order at 9:32 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

Welcome to the Water Quality Board: Mr. Baker introduced Kevin Cowan, President of WEAU Association, who welcomed the Board to the WEAU Conference and thanked the Board for its support of WEAU over the years.

APPROVAL OF MINUTES OF THE MARCH 5, 2007 MEETING

Dr. Kochenour noted on page 3 in the motion made on R317-2, it reads "It was moved by Mr. Kochenour" and it should read "It was moved by Dr. Kochenour."

Motion: **It was moved by Ms. Doughty and seconded by Dr. Kochenour to approve the minutes of the March 5, 2007 Board meeting with the noted correction. The motion was unanimously approved.**

Introduction of new WQ Board Member: Mayor Piccolo introduced Steven Simpson to the Board. Mr. Steve Simpson will fill the Member at Large position recently vacated by Dr. Ron Sims who completed his term serving on the Water Quality Board on March 2007. Mr. Simpson is an attorney, living in Bluff, Utah.

Recognition Award for Dr. Neil Kochenour: Mayor Piccolo recognized and thanked Dr. Kochenour for his time serving on the Board. Dr. Kochenour had recently resigned from the Water Quality Board because of moving out of state. He has served on the Water Quality Board from June 2000 to April 2007 as the representative of Wildlife and Recreation.

Recognition of Service on the Wastewater Operator Certification Council: Mayor Piccolo presented to Gordon Champneys and Jeff Richens a token of appreciation for the time they have served on the Wasterwater Operator Certification Council.

Sudweeks Award: Mayor Piccolo introduced to the audience George Hopkins who is the recipient of the Sudweeks Award for 2007. He will be receiving the Sudweeks Award at the Opening Luncheon following the Board meeting.

Executive Secretary's Report: Mr. Baker addressed the Board recognizing that Jay Olsen had just received the "Presidential Volunteer Award" which was presented by the Director of EPA and Governor Huntsman. Mr. Baker also stated he had made a report to the Bear River Commission, which includes representatives from Idaho, Utah and Wyoming, explaining they had received a Watershed Grant from EPA to look at Water Quality Training and establish a Watershed Information System, which is being developed by Utah State University and that pollution training would be coming forward. Mr. Baker reviewed with the Board some issues in the Division. Stormwater continues to require a large amount of staff resources. TMDL has entered into a Partnership with communities affected with POTWs which could be very expensive and push the completion of the TMDL on the Jordan River back a year. Great Salt Lake initiatives remain and

the GSLScience panel is working on completing four projects and expects to approach the Board on rulemaking to establish a selenium standard on the GSL in February 2008. By the time this project is completed 2.2 million will have been spent to develop the standard.

Certification Council 2006 Annual Report: Terrel Dunn gave the 2006 Certification Council Annual Report. The report included information on the names of those on the council, the number of exams taken, and the training offered prior to the exams. Mr. Olsen questioned why so many operators are unable to pass the test. Mr. Dunn explained that Utah's results were comparable to those of other states. Mr. Olsen requested that the Certification Council come back to the Board in six months and report on the Utah passing rate versus the national passing rate and whether something should be done regarding the poor passing rate on the wastewater exams.

Motion: It was moved by Mr. Myers and seconded by Mr. Olsen to have the Certification Council return to the Board in six months. The motion was unanimously approved.

RULEMAKING

Request to Initiate Rulemaking, R317-8-8 – Pretreatment Program: Ms. Robinson directed the Board to page 3.1 which is a memo to request approval to initiate rulemaking regarding the pretreatment portion of R317-8. R317-8-8 is being changed to make Utah's rule consistent with recent EPA changes to 40 CFR 403. Ms. Doughty noted a number of corrections in the document needing to be made.

Motion: It was moved by Dr. Kochenour and seconded by Ms. Daughty to approve staff's request to initiate rulemaking to R317-8-8 with the noted changes suggested by Ms. Daughty. The motion was unanimously approved.

LOAN PROGRAM

Financial Assistance Status Report – Mr. Macauley updated the Board on the "Summary of Assistance Program Funds" as outlined on page 4.1. The Board expressed a concern about financial planning for future funding needs.

Request to Public Hearing to Implement a Loan Origination Fee: Mr. Macauley explained the Division of Water Quality (DWQ) is requesting approval from the Utah Water Quality Board to go to public comment in order to implement a 0.5% loan origination fee to be charged to loan recipients. The Utah Legislature passed H.B. 99 during the 2007 Utah Legislative Session. The bill amends UCA 73-10c-10, which is the process for the DWQ to collect administrative fees for its loan programs. Before the Division of Water Quality can charge a loan origination fee of 0.5%, the proposal must be made available for public comment. The loan origination fee will be equal to 0.5% of the total loan amount and will be due at the time of loan closing.

Motion: It was moved by Mr. Myers and seconded by Ms. Doughty to approve staff's request to take the 0.5% Loan Origination Fee to public comment. The motion was unanimously approved.

Central Weber SID Request for Loan Authorization: Mr. Palmer introduced Lance Wood, Central Weber SID, Lea Fisher with MWH and Jim Matsumori with GK Baum & Co. Central Weber Sewer Improvement District (CWID) is requesting financial assistance in the amount of a \$20,000,000 loan at an interest rate of 3.4% repayable over 20 years for expanding and upgrading the existing wastewater treatment system to meet future growth of member entities and to insure continued compliance with UPDES discharge permit limitations.

Motion: It was moved by Mr. Myers and seconded by Ms. Doughty to approve CWSID's request for a \$20,000,000 loan at 3.4% interest. The motion was unanimously approved.

Duchesne City Request for Planning Advance: Mr. Palmer introduced Diane Miller with Duchesne City and Korey Walker with Epic Engineering. Duchesne City is requesting a Hardship Planning Advance in the amount of \$84,000 to prepare a Sewer System Capital Facility Plan. Duchesne's existing system is deteriorating and the city is experiencing additional growth.

Motion: It was moved by Mr. Myers and seconded by Dr. Kochenour to approve Duchesne City's request for an \$84,000 Planning Advance. The motion was unanimously approved.

Perry City Request for Loan Authorization: Mr. Macauley introduced Bruce Howard from Perry City and Alden Robinson and Doug Nielsen with Sunrise Engineering. Mr. Macauley explained that this project is closely tied to the Willard City project. Perry City is requesting financial assistance in the amount of an \$11,350,000 loan repayable over 20 years at 3.0% interest to upgrade its existing wastewater collection system and replace its existing lagoon system with a new regional wastewater treatment plant that will also serve Willard and potentially portions of northern Weber County. Perry City is also requesting a Design Advance in the amount of \$711,000 for engineering design, land acquisition and easements.

Motion: It was moved by Mr. Myers and seconded by Mr. Echols to table the decision on Perry until after hearing Willard's request. The motion was unanimously approved.

Motion: Following hearing Willard City's request, it was moved by Mr. Myers and seconded by Dr. Kochenour to approve Perry City's request for an \$11,350,000 loan at 3.0% interest. The motion was unanimously approved.

Willard City Request for Additional funding: Mr. Macauley introduced Ryan Tingey, Mayor of Willard City. Willard City is requesting an increase of \$2,761,000 to the previously authorized \$2,875,000 of Hardship Grant and an increase of \$4,875,000 to the previously authorized 0% interest, 30 year loan \$7,125,000, for construction of a wastewater collection and treatment system. This request will fulfill the needed funding to construct the project, which anticipates additional costs due to an unforeseen increases in the cost of construction materials. The question was posed by the Board whether Willard City should raise the monthly user fee. Mr. Macauley

explained that if Willard City raised the user fees higher than the present \$42.31, the proposal would need to go out for public comment again, and there would need to be a demonstration of public support for the project, running the risk that the community may turn it down. Mr. Baker explained that he felt with the magnitude of the proposed changes, that the proposal should go to public comment again regardless. The issue was also raised whether this project would be subsidizing development. Following extensive discussion on these issues a motion was made to table the discussion until next month's meeting.

Motion: It was moved by Mr. Olsen to table the decision on Willard City's request until the May Board meeting. The motion was approved with Mayor Snarr, Ms. Doughty, Mr. Simpson and Mr. Rowley voting against.

NEXT MEETING

At Snow College in Ephraim, Utah on May 18th, 2007 beginning at 1:00 p.m.

Joe Piccolo, Chairman
Utah Water Quality Board